

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**

Docket No.  
6006-018

In Re Application Of: **Christopher T. Boyle**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/716,146	11/17/2000	Cheryl L. Miller	29,335	3738	6734

Invention: **DEVICE FOR IN VIVO DELIVERY OF BIOACTIVE AGENTS AND METHODS OF MAKING SAME**

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **February 26, 2009** finally rejecting Claim(s) **16, 20, 26-28, and 30-37**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: **\$270.00**

☐ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **18-2000**

☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

Dated: **5/26/09**

**J. Peter Paredes (Reg. No. 57,364)  
ROSENBAUM & ASSOCIATES, P.C.  
650 Dundee Road  
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Northbrook, IL 60062**

cc:

*Certificate of Electronic Filing*

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

**May 26, 2009**  
(Date)

  
Signature of Person Mailing Correspondence

**Lori Dunham**

Typed or Printed Name of Person Mailing Correspondence